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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,293	10/01/2002	Fu-Zu Lee	IACP0012USA	5717

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EXAMINER

DUONG, FRANK

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,293

Applicant(s)

LEE ET AL.

Examiner

Frank Duong

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is a response to communications dated 07/11/06. Claims 1-6 are pending in the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Bennett et al (Patent Application Publication 2002/0112014) (hereinafter "Bennett").

Regarding **claim 1**, in accordance with Bennett reference entirety, Bennett discloses a method of chatting (SMS) via a cellular phone system (*Fig. 1a*) comprising a processor (42a or 42b) connected to an Internet website (24) which supports network chatting (SMS) (*page 3, paragraph [00025] and thereafter*), and a plurality of nodes (46a, 46b and 46c) connected to the processor ((42-44)a or (42-44)b) for wirelessly communicating with a plurality of cellular phones (50a, 50b and 50c), the method comprising:

connecting the plurality of cellular phones wirelessly to the plurality of nodes (see *Fig. 1A for connection details of devices 50a, 50b and 50c*), and connecting to the Internet website (24) via the processor ((42-44)a or (42-44)b);

sending a message (*SMS message*) from one (50a) of the plurality of cellular phones wirelessly to one (50b) of the plurality of nodes, and sending the message from the node (46a) to the Internet web (24) via the processor ((42-44)a) (paragraph [0036]); and

sending the message from the internet website (24) via the processor (42a) to the plurality of nodes (42a and 42b), and then sending the message from the plurality of nodes to the plurality of cellular phones (50a and 50b) (paragraph [0037]).

Regarding **claim 2**, in addition to features recited in base claim 1 (see rationales discussed above), Bennett further discloses wherein the plurality of nodes (46a, 46b and 46c) are base stations (*Fig. 1A depicts elements 46a, 46b and 46c as base stations*).

Regarding **claim 3**, in addition to features recited in base claim 1 (see rationales discussed above), Bennett further discloses wherein the processor comprises a register (*not shown; it is inherent there is memory or buffer for holding e-mail messages in 42a, 42b*) for holding messages from the plurality of cellular phones in turn (*paragraphs [0052] to [0057] and thereafter discussed the structure and functionalities of gateways 42a, 42b and 42c*).

Regarding **claim 4**, in addition to features recited in base claim 3 (see rationales discussed above), Bennett further discloses wherein the register is a first-in-first-out

(FIFO) memory (*not shown; inherent in the gateway because e-mail messages are processed based on a first come first serve, commonly implemented using a FIFO*).

Regarding **claim 5**, in addition to features recited in base claim 1 (see rationales discussed above), Bennett further discloses wherein the processor is a mobile switching center (*Fig. 1A depicts 44A, 44b or 44c as a mobile switching center*).

Regarding **claim 6**, in addition to features recited in base claim 1 (see rationales discussed above), Bennett further discloses wherein each cellular phone comprises a memory for storing a plurality of phone numbers and data sent from the processor via the corresponding nodes (*paragraph [0025] and thereafter, Bennett discusses mobile device in the instant invention is a cellular phone, pager, wireless hand-held organizer and the like. These devices inherently have memory for storing phone numbers as well as storing SMS messages*).

Response to Arguments

3. Applicants' arguments filed 07/11/06 have been fully considered but they are not persuasive. Applicants' arguments will be addressed hereinbelow in the order in which they appear in the response filed 07/11/06.

In the Remarks of the outstanding response filed 07/11/06, on page 6, pertaining the rejection of base claim 1 under 35 U.S.C. §102(e) as being anticipated by Bennett et al, Applicants argue "*Bennett does not teach that cellular phone connects to an Internet website that supports chatting. In paragraph 51, Bennett teaches that a form on a webpage can be used for entering SMS messages ... on an Internet website.*"

The argument has been noticed, but not persuasive. The Examiner respectfully disagrees for the following rationales.

First, the “chatting” is in the preamble of claim 1. It isn’t given any patentable weigh due to the body of the claim does not refer back to it.

Second, should the “chatting” be given patentable weigh, it can be interpreted as “text messaging” or “short service messaging” disclosed by Bennett because there isn’t any specific definition for the term “chatting” in the claim.

Third, claim 1 just simply calls for a method *“comprising: connecting the plurality of cellular phones wirelessly to the plurality of nodes, and connecting to the Internet website via the processor; sending a message from one of the plurality of cellular phones wirelessly to one of the plurality of nodes, and sending the message from the node to the Internet website via the processor; and sending the message from the internet website via the processor to the plurality of nodes, and then sending the message from the plurality of nodes to the plurality of cellular phones”*. As clearly pointed out in the Office Action, Bennett discloses just that.

Perhaps the Applicants should further amend the claims to better reflect the disclosed invention and further distinguish the claimed invention from that taught by Bennett and the existing art.

Due to the amendment fails to place the instant application in a favorable condition for allowance and the arguments are not persuasive, the rejection is maintained.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Moncreiff (USP 5,828,839).

Kredo et al (USP 6,816,578).

Lai et al (USP 6,804,534).

Kapil et al (USP 6,941,354).

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Duong whose telephone number is 571-272-3164. The examiner can normally be reached on 7:00AM-3:30PM, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



FRANK DUONG
PRIMARY EXAMINER

September 07, 2006